

**Notice of Allowability**

Application No.

10/023,298

Examiner

Alain L. Bashore

Applicant(s)

MADDEN, MARTIN P.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-12-06.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**ALAIN L. BASHORE**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 2-5-05. These drawings are acceptable.

### ***Allowable Subject Matter***

2. Claims 1-10 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The present invention includes independent claims 1 and 8. Claim 1 recites a method using a computer system for analyzing the value of a deposit liabilities base associated with a financial institution and for originating contractual documents specifying a deposit liability option contract through which the financial institution obtains a right to sell the deposit liabilities base to a third party at a predetermined price. Claim 8 recites a method using a computer system for analyzing the value of a deposit liabilities base associated with a financial institution seeking to obtain a right to substitute other deposit funds not originally included in the deposit liabilities base, while also seeking to purchase the right to sell a deposit liabilities base, and for specifying a deposit liability contract through which the financial institution obtains the right to sell the deposit liability base to a third party at a predetermined price.

Odom is considered the closest prior art. Odom discloses a method using a computer system for analyzing a financial asset through which there is obtained a right to sell the asset to a third party at a predetermined price (col 5, lines 10-25). The estimated market value or range is calculated, and a minimum potential bid price or range is generated and incorporated into the asset as a financial instrument that a third party will pay during a predetermined term (col 8, lines 3-16).

Odom does not disclose:

In Claim 1, the recitations in combination including: analyzing external market data, and internal data pertaining to the financial institution, and inputting at least some of the external market data and the internal data to the computer system;

calculating an estimated market value or a range of such values for the deposit liabilities base;

generating a minimum potential bid price or a range of such prices for the deposit liabilities base; and

incorporating the generated bid price or the range of such prices into the contractual documents, wherein the price or range of prices which the third party will pay during a predetermined term for the deposit liabilities are specified;

whereby the value of the deposit liabilities base is determined permitting the deposit liabilities base to be sold if desired. but not thereby requiring divestiture of the deposit liabilities base from the financial institution.

In Claim 8, the recitations in combination including: analyzing external market data and internal data pertaining to the financial institution, and inputting at least some of the external market data and the internal data to the computer system;

calculating an estimated market value or a range of such values for the deposit liabilities base;

generating a minimum potential bid price or a range of such prices for the deposit liabilities base; and

incorporating the generated bid price or the range of such prices into the deposit liability contract, wherein the price or range of prices which will be paid during a predetermined term for the deposit liabilities are specified;

whereby the value of the deposit liabilities base is determined, permitting the deposit liabilities base to be sold if desired, but not thereby requiring divestiture of the deposit liabilities base from the financial institution.

For these reasons claims 1 and 8 are deemed to be allowable over the prior art of record, and claims 2-7, and 9-10 are allowable by dependency.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***


5. Allowable subject matter requires further review for applications in class 705 before a notice of allowance is mailed to applicant. The time period for review may vary from application to application.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alain L. Bashore  
Primary Examiner  
Art Unit 1762